REMARKS/ARGUMENTS

The Restriction Requirement

The Office has required restriction among the following five groups of claims:

Group I: Claims 1-37 and 72-79, drawn to a method for inducing transplantation tolerance including the step of administering a G-CSF derivative to a recipient;

Group II: Claims 38-51, drawn to an in vitro method for stimulating a donor T cell to produce IL-10;

Group III: Claims 52-61, drawn to a pharmaceutical composition for inducing immunological tolerance comprising a G-CSF derivative;

Group IV: Claims 62-71, drawn to a pharmaceutical composition for inducing immunological tolerance in a subject comprising one or more isolated cells treated with G-CSF; and

Group V: Claims 80-92, drawn to a method for inducing self-tolerance in a patient including the step of administering a G-CSF derivative.

Applicants' Election

Applicants elect, with traverse, the claims of Group III (i.e., claims 52-61) for further prosecution. Reconsideration of the requirement for restriction is respectfully requested.

Discussion of the Restriction Requirement

The subject application is a U.S. national stage application based on International Patent Application PCT/AU2004/001116. The Office Action alleges that the inventions defined by the claims of Groups I-V do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the inventions lack the same "special technical features." Under PCT Rule 13.2, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. PCT Rule 13.2 defines the term "special technical features" as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art (see M.P.E.P. § 1893.03(d)).

The claims of Groups I-V are linked so as to form a single general inventive concept. In other words, the claims of Groups I-V share a common special technical feature, which

defines a contribution that each claim makes over the prior art. In this respect, the methods of claims 1 and 80 require the step of administering a G-CSF derivative, or biologically active fragment, homolog or variant thereof, that is present in the pharmaceutical composition of claim 52. The method of claims 38 requires the step of administering a G-CSF derivative, or biologically active fragment, homolog or variant thereof, to cells, which are present in the pharmaceutical composition of claim 62. Accordingly, the claims of Groups I-V all require the step of administering a G-CSF derivative, or biologically active fragment, homolog or variant thereof.

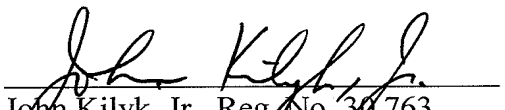
Given the special technical feature common to the claims of Groups I-V, a search for prior art with respect to any of Groups I-V would likely uncover references that would be considered by the Examiner during the examination of the other groups. As a result, the Examiner would incur no undue burden in examining the claims of Group I-V at the same time. See also M.P.E.P. § 803 ("If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct inventions." (emphasis added)).

In view of the foregoing, Applicants request that the requirement for restriction be withdrawn and that all of the pending claims be examined together. If the restriction requirement is maintained in whole or in part, Applicants request the rejoinder of any claims designated as withdrawn to the extent such withdrawn claims are dependent on, or otherwise include all of the limitations of, an allowed claim.

Conclusion

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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